

JPA / File No.: 06-037
AG Contract No.: KR06-1058TRN
Project: Roadway Lighting &
Electrical Power
US 60 approx MP 246.4 to 252.2
Intersection US 60 & 79
Intersection US 70 & SR 77

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
CITY OF GLOBE

THIS AGREEMENT is entered into this date November 8th, 2006, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF GLOBE, acting by and through its MAYOR and COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. The purpose of this Agreement is to define the responsibilities of the State and the City to enter into an Agreement for the routine/operational maintenance of roadway lighting (including providing electrical power to said lighting), within the State Right-of-Way. Locations subject to this agreement, herein after referred to as the "Agreement Limits", are listed as follows:

- US 60 from the Globe City limits at approximately MP 246.4 to Ensign Drive (approximate MP 252.2)
- US 70 from the intersection of US 60 and US 70 to the intersection of US 70 and SR 77 (and immediate area of intersection).

4. This Agreement shall supercede any existing Agreement with the City of Globe pertaining to roadway lighting within the Agreement Limits.

Definition for Roadway Lighting; shall include existing or future Roadway Lighting Installations.

THEREFORE, in consideration of this mutual covenants expressed herein, it is agreed as follows:

28537A
Filed with the Secretary of State
Date Filed: 11/8/06

Secretary of State
By: ABC

II. SCOPE OF WORK

1. The State shall:

a. Grant the City an encroachment permit and ensure the permit is on file as established procedures through ADOT's Globe District Office for all planned routine/normal and emergency maintenance work for roadway lighting within the State's right-of-way.

b. Not be obligated to maintain the roadway lighting, should the City fail to budget or provide for proper and perpetual maintenance of said features as set forth in this Agreement.

c. Not be obligated to provide electrical power for roadway lighting, within the Agreement Limits, should the City fail to budget for said electrical power.

2. The City shall:

a. Obtain an encroachment permit through the ADOT Globe District Office for routine/normal and emergency maintenance work for roadway lighting within the Agreement Limits. Said permit shall be renewed as stipulated and approved in the permit application on file with the Globe District Office.

b. Provide electrical power to operate the roadway lighting within Agreement Limits.

c. Conduct all roadway lighting maintenance work, associated with this Agreement, in a manner to minimize traffic congestion and interference.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effective and are incorporated herein.

2. This Agreement shall become effective upon filing with the Secretary of State.

3. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

4. The provisions of Arizona Revised Statutes § 35-214 are applicable to this Agreement.

5. In the event of any controversy, which may arise out of this Agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

6. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 616E
Phoenix, Arizona 85007
(602) 712-7525
(602) 712-7424 Fax

The City of Globe
Attn: Gina Paul, CMC
150 N. Pine Street
Globe, Arizona 85501
Phone #(928) 425-7146
Fax # (928) 425-4820

7. This Agreement is subject to all applicable provisions of the Americans with Disability Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

8. Non-Availability of Funds: Every payment obligation of the State and under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State or City at the end of the period for which the funds are available. No liability shall accrue to the State or City in the event this provision is exercised and the State or City shall not be obligated or liable for any future payments as a result of termination under this paragraph.

9. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

THE CITY OF GLOBE

By


STANLEY M. GIBSON
Mayor

STATE OF ARIZONA

Department of Transportation

By


DOUGLAS A. FORSTIE, P.E.
Deputy State Engineer, Operations

ATTEST:

By


GINA PAUL
Clerk

RESOLUTION NO. 1472

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GLOBE, GILA COUNTY, ARIZONA AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT FOR THE MAINTENANCE OF ROADWAY LIGHTING (INCLUDING PROVIDING ELECTRICAL POWER TO SAID LIGHTING).

WHEREAS, the Mayor and Council of the City of Globe are authorized by A.R.S. §11-951 et seq., A.R.S. §28-401 and §48-572 to enter into Intergovernmental Agreements when it is in the best interest of the City for the maintenance of highway improvements, and

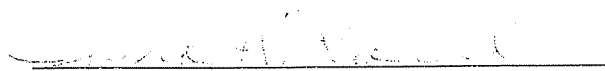
WHEREAS, the Arizona Department of Transportation (ADOT) has made improvements in the past to roadway lighting located on U.S. Highway 60 and 70 within the City, and

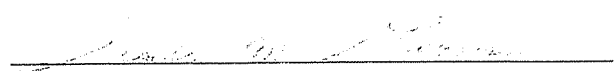
WHEREAS, ADOT has proposed that the City provide routine/operational maintenance of the roadway lighting (including providing electrical power to said lighting) as set forth in JPA File No. 06-037, a copy of which the Mayor and Council have received and reviewed, and

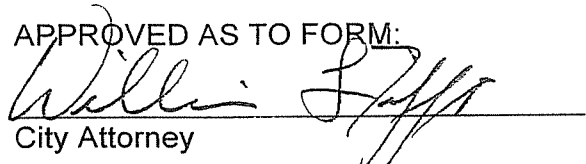
NOW, THEREFORE, BE IT RESOLVED that the Mayor is hereby authorized to execute an Intergovernmental Agreement calling for maintenance of roadway lighting (including providing electrical power to said lighting) as set forth in the Agreement.

PASSED AND ADOPTED by the Mayor and City Council of the City of Globe this ____ day of _____, 2006.

ATTEST:


City Clerk


Mayor

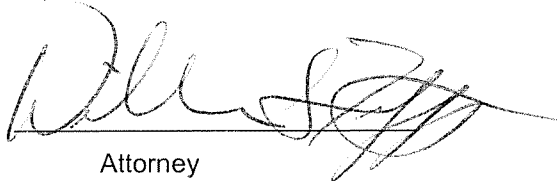
APPROVED AS TO FORM:

City Attorney

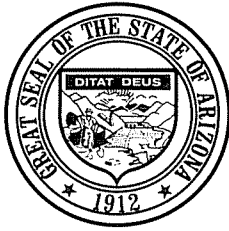
ATTORNEY APPROVAL FORM
FOR THE CITY OF GLOBE

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF GLOBE, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 19TH day of October, 2006.


Attorney



**Office of the Attorney General
State of Arizona**

Terry Goddard
Attorney General

Civil Division
Transportation Section
Direct 602.542.8859

Susan Davis
Assistant Attorney General

Direct: 602-542-8855
Fax: 602-542-3646

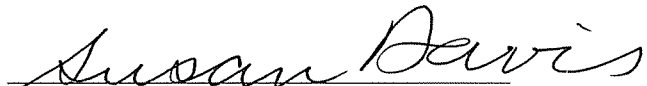
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR06-1058, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED November 2, 2006.

TERRY GODDARD
Attorney General


SUSAN DAVIS
Assistant Attorney General
Transportation Section